



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

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JOHN CORNYN
Attorney General

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P.O. Box 12548
Austin, Texas
78711-2548

(512) 463-2100
www.oag.state.tx.us

January 6, 1999

Ms. Katheryn H. West
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
2014 Main Street, Room 206
Dallas, Texas 75201

OR99-0007

Dear Ms. West:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 120990.

The Dallas Police Department received a request for documents relating to a particular juvenile. You contend that the documents are excepted from disclosure under section 552.101 of the Government Code in conjunction with the former section 51.14 of the Family Code and the common-law right to privacy. We have considered your arguments and have reviewed a representative sample of the documents at issue.¹

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 552.101 encompasses confidentiality provisions such as Family Code section 58.007, which replaced the former section 51.14 of the Family Code. Juvenile law enforcement records relating to conduct that occurred on or after September 1, 1997 are confidential under section 58.007. However, the submitted documents identify the juvenile as a complainant and a witness, but not as

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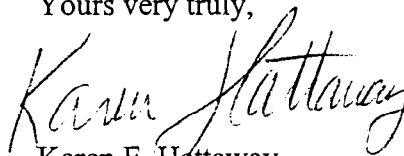
¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

a suspect. Family Code section 51.04(a) states that the Juvenile Justice Code, Title 3 of the Family Code, "covers the proceedings in all cases involving the delinquent conduct or conduct indicating the need for supervision engaged in by a person who was a child within the meaning of [Title 3] at the time he engaged in the conduct." Thus, section 58.007 deems confidential law enforcement records from all cases involving a child's delinquent conduct or conduct indicating the need for supervision. The submitted documents are not the types of records deemed confidential by section 58.007.

You also contend that the requestor is seeking a criminal history compilation, and that the requested documents are, therefore, excepted from disclosure under section 552.101 in conjunction with the common-law right to privacy. *See United States Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749 (1989) (where an individual's criminal history information has been compiled by a governmental entity, the information takes on a character that implicates the individual's right to privacy). The request is not a broad request for all documents that name the juvenile as a suspect. In fact, the requestor appears to be asking for two specific "runaway reports." Furthermore, the submitted documents do not identify the juvenile as a suspect, and therefore, releasing the documents would not implicate the juvenile's right to privacy. As the submitted documents are not excepted from disclosure under section 552.101 of the Government Code in conjunction with either section 58.007 of the Family Code or the common-law right to privacy, we find that you must release the documents to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, reading "Karen Hattaway".

Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 120990

Enclosures: Submitted documents